

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Philip Heinz, et al.
Serial No.: 10/532,453
Filed: April 22, 2005
For Systems And Methods That Detect
Changes In Incident Optical
Radiation

Examiner: Richey, Scott M.
Group Art No.: 2877
Confirmation No. 3912

August 16, 2007

Mail Stop Amendment
Commissioner For Patent
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW CONDUCTED 16 JULY 2007

Dear Sir:

The following statement is responsive to the interview summary mailed 18 July 2007 in the above-referenced application (the "'453 Application"). The interview summary was received after the filing of an election and response to restriction requirement, on 26 June 2007. Hence, this statement is timely filed:

"If a reply to the last office action has already been filed, Applicant is given a non-extendable period of the longer of one month or thirty days from the interview date, or the mailing date of the interview summary form, whichever is later, to file a statement of the substance of the interview." Interview summary page 2, final paragraph.

Statement:

On 16 July, we contacted Examiner Richey to note that the claims subject to restriction in the 26 June 2007 restriction requirement did not correspond with the 26 claims presented in the substitute specification filed with the '453 Application (viewable in PAIR as 371P documentation). Examiner Richey suggested that we respond to the restriction requirement by (a) resubmitting the 26 claims listed in the 371P documentation in PAIR as amended claims, and (b) electing a claim group with traverse. See attached copy of the interview summary, second page. Per the Examiner's helpful suggestion, we filed an election and response on 26 July 2007.

The 26 July election and response served to resubmit the 26 claims listed in the 371P documentation and to elect claim group D, with traverse. However, additional amendments were made, and additional claims added, in order to clarify unique features of Applicants' invention. Hence, we wish to note that the amended claims submitted in the 26 July election and response are not identical to the 26 claims listed in the 371P documentation. The amended and new claims are fully supported by the '453 Application as filed, and do not introduce any new matter (see, e.g., exemplary support provided in the 26 July filing).

CONCLUSION

No fees are believed due; however, if any fee is deemed necessary in connection with this Statement, please charge Deposit Account No. 12-0600. Should any questions arise regarding this submission or the '453 Application, the Examiner is encouraged to telephone Applicants' attorney, Curtis A. Vock at (720) 931-3011.

Respectfully submitted,

LATHROP & GAGE LLC



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,453	04/22/2005	Philip Heinz	433165	3912

30955 7590 07/18/2007
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BOULDER, CO 80301

EXAMINER

RICHEY, SCOTT M

ART UNIT	PAPER NUMBER
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2877

MAIL DATE	DELIVERY MODE
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07/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/532,453

Applicant(s)

HEINZ ET AL.

Examiner

Scott M. Richey

Art Unit

2877

All participants (applicant, applicant's representative, PTO personnel):

(1) Scott M. Richey.

(3) _____

(2) Heather Perrin.

(4) _____

Date of Interview: 16 July 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: 1-45.

Identification of prior art discussed: _____

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Having received a restriction requirement mailed on June 26, 2007, Ms. Perrin called for an interview to make the examiner aware of claims in the 371P documentation in PAIR, which the applicant wished examined on the merits. These 26 claims, and not the 45 claims subject to restriction, should be examined. To prevent the application from abandonment at the end of the statutory period for response to the restriction requirement, the examiner suggested that an election be made with traverse, and the claims resubmitted as amended claims when the election is filed.